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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/676,365	09/29/2000	Arnold N. Blinn	MSFT-0208/150665.1	2197

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EXAMINER

ABEL JALIL, NEVEEN

ART UNIT	PAPER NUMBER
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2165

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/676,365

Applicant(s)

BLINN ET AL.

Examiner

Neveen Abel-Jalil

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-12 and 25-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-12 and 25-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Since this application is eligible for the transitional procedure of 37 CFR 1.129(a), and the fee set forth in 37 CFR 1.17(r) has been timely paid, the finality of the previous Office action is hereby withdrawn pursuant to 37 CFR 1.129(a). Applicant's Amendment submission after final filed on September 14, 2004 has been entered.
2. Claims 1-5, 13-24, and 32-49 have been cancelled. Therefore, claims 6-12, 25-31 are now pending.
3. Claims 6-12, 25-31 have been amended pursuant to the indications of allowable subject matter indicated by the examiner in the final office action. However, in light of the identification of new prior art by the examiner, new grounds of rejection must be applied. Accordingly, this office action is made non-final.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6-8, 10, 12, 25-27, 29, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tenorio et al. (U.S. Patent No. 6,708,161 B2) in view of Hardy (U.S. Patent No. 6,438,601 B1).

As to claim 6, Tenorio et al. discloses a method comprising:

(a) hosting, on a server, a database of specification data of products of a plurality of different manufacturers (See column 2, lines 5-28, also see figure 5, 152c), the product specification data in the database being arranged in predefined product classes (See column 8, lines 5-39, also see column 2, lines 29-41, and see column 7, lines 31-54);

(b) defining, for each product class, a schema for the entry of specification data of products in that product class (See column 8, lines 5-39, also see column 2, lines 29-41, and see column 7, lines 31-54);

(c) providing an interface for use by product manufacturers for entry of new product specification data into the database and for modifying existing product specification data in the database (See column 4, lines 38-67), the interface requiring each manufacturer to use a same schema when entering or modifying product specification data in a particular product class (See column 7, lines 1-37).

Tenorio et al. does not teach (d) in exchange for remuneration from a given manufacturer, providing that manufacturer with access to the interface and to its respective product specification data in the database for use outside of the database and charging each manufacturer desiring to have access to the database a fee for such access.

Hardy teaches (d) in exchange for remuneration from a given manufacturer, providing that manufacturer with access to the interface and to its respective product specification data in the database for use outside of the database and charging each manufacturer desiring to have

access to the database a fee for such access (See Hardy column 5, lines 1-12, and see Hardy column 2, lines 13-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Tenorio et al. to include (d) in exchange for remuneration from a given manufacturer, providing that manufacturer with access to the interface and to its respective product specification data in the database for use outside of the database and charging each manufacturer desiring to have access to the database a fee for such access.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Tenorio et al. by the teaching of Hardy to include (d) in exchange for remuneration from a given manufacturer, providing that manufacturer with access to the interface and to its respective product specification data in the database for use outside of the database and charging each manufacturer desiring to have access to the database a fee for such access because it allows for business-to-business resell of resell products or equipment thereby maximizing utility and maximizing profit.

As to claims 7, and 26, Tenorio et al. as modified discloses wherein the fee is in the form of a monetary payment (See Hardy column 5, lines 1-12).

As to claims 8, and 27, Tenorio et al. as modified discloses wherein the fee comprises a one-time fee (See Hardy column 5, lines 1-12).

As to claims 10, and 29, Tenorio et al. as modified discloses wherein the fee is based on usage of the database by the manufacturer (See Hardy column 7, lines 6-20).

As to claims 12, and 31, Tenorio et al. as modified discloses wherein the fee for a given manufacturer is based on the number of times that the manufacturer accesses the database to retrieve product specification data (See Hardy column 5, lines 1-12).

As to claim 25, Tenorio et al. discloses a system for enabling an entity to serve as an application service provider with respect to product specification data of a plurality of manufacturers (See column 2, lines 6-24), the components comprising:

a database of specifications of products of the plurality of different manufacturers (See column 2, lines 5-28, also see figure 5, 152c), the product specifications in the database being arranged in predefined product classes (See column 8, lines 5-39, also see column 2, lines 29-41, and see column 7, lines 31-54), and

an interface for use by the plurality of manufacturers for the entry of specifications of products in a given product class (See column 2, lines 5-28, also see figure 5, 152c), there being defined, for each product class, a schema for the entry of specifications of products in that product class, the interface requiring each manufacturer to use the defined schema for a given product class when entering product specification data for products in that class (See column 8, lines 5-39, also see column 2, lines 29-41, and see column 7, lines 31-54).

Tenorio et al. does not teach the interface further permitting each manufacturer that provides remuneration to the entity to access its respective product specification data in the

database for use outside of the database and wherein the remuneration required for access to the database comprises a fee paid by each manufacturer.

Hardy teaches the interface further permitting each manufacturer that provides remuneration to the entity to access its respective product specification data in the database for use outside of the database and wherein the remuneration required for access to the database comprises a fee paid by each manufacturer (See Hardy column 5, lines 1-12, and see Hardy column 2, lines 13-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Tenorio et al. to include the interface further permitting each manufacturer that provides remuneration to the entity to access its respective product specification data in the database for use outside of the database and wherein the remuneration required for access to the database comprises a fee paid by each manufacturer.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Tenorio et al. by the teaching of Hardy to include the interface further permitting each manufacturer that provides remuneration to the entity to access its respective product specification data in the database for use outside of the database and wherein the remuneration required for access to the database comprises a fee paid by each manufacturer because it allows for business-to-business resell of resell products or equipment thereby maximizing utility and maximizing profit.

6. Claims 9, 11, 28, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tenorio et al. (U.S. Patent No. 6,708,161 B2) in view of Hardy (U.S. Patent No. 6,438,601 B1)

as applied to claims 6-8, 10, 12, 25-27, 29, 31 above, and further in view of Shear (U.S. Patent No. 5,410,598).

As to claims 9, and 28, Tenorio et al. as modified still does not teach wherein the fee comprises a periodically recurring fee.

Shear teaches wherein the fee comprises a periodically recurring fee (See Shear column 3, lines 18-45, also see Shear column 19, lines 20-38).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Tenorio et al. as modified to include wherein the fee comprises a periodically recurring fee.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Tenorio et al. as modified by the teaching of Shear to include wherein the fee comprises a periodically recurring fee because it allows for business-to-business resell of resell products or equipment thereby maximizing utility and maximizing profit.

As to claims 11, and 30, Tenorio et al. as modified still does not disclose wherein the fee for a given manufacturer is based on the volume of product information stored in the database by that manufacturer.

Shear teaches wherein the fee for a given manufacturer is based on the volume of product information stored in the database by that manufacturer (See Shear column 6, lines 17-60, also see Shear column 19, lines 20-38, also see column 3, lines 18-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Tenorio et al. as modified to include wherein the fee for a given manufacturer is based on the volume of product information stored in the database by that manufacturer.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Tenorio et al. as modified by the teaching of Shear to include wherein the fee for a given manufacturer is based on the volume of product information stored in the database by that manufacturer because it allows for business-to-business resell of resell products or equipment thereby maximizing utility and maximizing profit.

Response to Arguments

7. Applicant's arguments with respect to claims 6-12, 25-31 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Arsenault et al. (U.S. Patent No. 5,894,310) teaches server might provide an "ultimate" 3D web site providing games, products, supplier connections, etc. Other example applications include product advertising, "pay as you go" usage, object rental (e.g., rent a warrior or a dinosaur).

Benz et al. (U.S. Pub. No. 2002/0032620 A1) teaches the money charged by the eye care vendor to the eye care professional can be fixed by contract on either a fixed price per unit basis or include a sliding discount based on the volume of total product sold by the eye care professional. Furthermore, the discount can also be varied based on the types of products sold by the eye care professional. The eye care professional can be invoiced either on a transaction by transaction basis or on a periodic basis, such as, for example, on a weekly or monthly basis.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 571-272-4074. The examiner can normally be reached on 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 571-272-4083. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Neveen Abel-Jalil
December 7, 2004


SAM RIMELL
PRIMARY EXAMINER